

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

ANTHONY MILLER,  
Plaintiff,

22-CV-6069 (FPG)(MJP)

v.

THE CITY OF ROCHESTER, MARYROSE M. WENGERT AND  
EARL G. WENGERT, AS CO-EXECUTORS OF THE ESTATE OF  
NOLAN WENGERT (deceased), DARYL HOGG, JASON  
PRINZI, DANIEL WATSON, and "JOHN DOE" RPD  
OFFICERS 1-10,  
Defendants.

THE STATE OF NEW YORK  
COURT OF CLAIMS

ANTHONY MILLER,  
Plaintiff,

Claim No. 135854

v.

THE STATE OF NEW YORK,  
Defendant.

Video-recorded Deposition Upon Oral Examination of:

Officer Daryl Hogg

Location: Alliance Court Reporting, Inc.  
109 South Union Street, Suite 400  
Rochester, New York 14607

Date: March 9, 2023

Time: 10:00 a.m.

Reported By: MICHELLE MUNDT ROCHA  
Alliance Court Reporting, Inc.  
109 South Union Street, Suite 400  
Rochester, New York 14607



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A P P E A R A N C E S

Appearing Remotely on Behalf of Plaintiff:

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Appearing on Behalf of Defendants  
The City of Rochester, Maryrose M. Wengert and  
Earl G. Wengert, as co-executors of the Estate of  
Nolan Wengert (deceased), Daryl Hogg, Jason Prinzi,  
Daniel Watson, and "John Doe" RPD Officers 1-10:

Patrick B. Naylon, Esq.  
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Appearing Remotely on Behalf of Defendant  
The State of New York:

Tamara B. Christie, Esq.  
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Appearing as the Videographer:

Kenneth Williamson  
Alliance Court Reporting, Inc.  
109 South Union Street, Suite 400  
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\* \* \*



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S T I P U L A T I O N S

THURSDAY, MARCH 9, 2023;

(Proceedings in the above-titled matter  
commencing at 9:59 a.m.)

\* \* \*

IT IS HEREBY STIPULATED by and between the  
attorneys for the respective parties that this  
deposition may be taken by the Plaintiff at this time  
pursuant to notice;

IT IS FURTHER STIPULATED, that all  
objections except as to the form of the questions and  
responsiveness of the answers, be reserved until the  
time of the trial;

IT IS FURTHER STIPULATED, that pursuant to  
Federal Rules of Civil Procedure 30(e)(1) the witness  
requests to review the transcript and make any  
corrections to same before any Notary Public;

IT IS FURTHER STIPULATED, that if the  
original deposition has not been duly signed by the  
witness and returned to the attorney taking the  
deposition by the time of trial or any hearing in this  
cause, a certified transcript of the deposition may be  
used as though it were the original;

IT IS FURTHER STIPULATED, that the  
attorneys for the parties are individually responsible



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## P R O C E E D I N G S

for their certified transcript charge, including any expedite or other related production charges in accordance with Rochester Rules, and Mr. Shields will be responsible for Ms. Christie's certified transcript charge;

AND IT IS FURTHER STIPULATED, that the Notary Public, MICHELLE MUNDT ROCHA, may administer the oath to the witness.

\* \* \*

THE VIDEOGRAPHER: We are on the record. The time is 10:59 a.m. on March 9, 2023. My name is Ken Williamson for Alliance Court Reporting, located at 109 South Union Street, Rochester, New York. Today we are located at the offices of Alliance Court Reporting, and this is a hybrid deposition.

We are about to begin the video-recorded deposition of Officer Daryl L. Hogg in the matters of Anthony Miller versus the City of Rochester, et al., and Anthony Miller versus the State of New York. Today's matter is being video-recorded on behalf of the Plaintiff.

Counsel, please state your appearances for the record, and please again with the noticing attorney.



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1 OFFICER DARYL HOGG - BY MR. SHIELDS

10:00 2 MR. SHIELDS: Elliot Shields for the  
10:00 3 plaintiff, Anthony Miller, Roth and Roth LLP, New  
10:00 4 York, New York.

10:00 5 MR. NAYLON: Patrick Naylor, City of  
10:00 6 Rochester Law Department for the Defendants in the  
10:00 7 Federal action.

10:00 8 THE VIDEOGRAPHER: Thank you, Counsel.

10:00 9 MS. CHRISTIE: Tamara Christie from the  
10:00 10 Attorney General's Office on behalf of the State in  
10:00 11 the Court of Claims action.

10:01 12 MR. NAYLON: Thank you, Counsel. Sorry  
10:01 13 about that.

10:01 14 At this time our court reporter, Michelle  
10:01 15 Rocha, also of Alliance Court Reporting, will swear in  
16 our witness.

17 OFFICER DARYL HOGG,

18 called herein as a witness, first being sworn,  
19 testified as follows:

20 EXAMINATION BY MR. SHIELDS:

10:01 21 Q. Good morning, Officer.

10:01 22 A. Good morning, sir.

10:01 23 Q. My name is Elliot Shields. I represent  
10:01 24 the Plaintiff and the Claimant, Anthony Miller, who  
10:01 25 was convicted and spent six years in jail before his



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1 OFFICER DARYL HOGG - BY MR. SHIELDS

10:32 2 You can answer.

10:32 3 A. There's a wide variety of different things  
10:32 4 from larcenies to robberies to assaults.

10:32 5 Q. And going back to September 25, 2013, you  
10:32 6 said you started your shift at 2:45 p.m. that day?

10:32 7 A. I believe so, yes.

10:32 8 Q. And on that day, prior to your interaction  
10:32 9 with Mr. Miller, did you respond to the  
10:32 10 Millbank-Bradburn area for any reason?

10:32 11 A. Yes.

10:32 12 Q. Why did you respond to the  
10:32 13 Millbank-Bradburn area before your interaction with  
10:32 14 Mr. Miller on that day?

10:32 15 A. We had a call for a -- a 911 call for a  
10:33 16 robbery, and we were told that there was two male  
10:33 17 blacks that went southbound towards that area.

10:33 18 Q. So backing up, on September 25, 2013,  
10:33 19 prior to the incident involving Mr. Miller, earlier in  
10:33 20 your shift had you responded to the Millbank-Bradburn  
10:33 21 area for any reason?

10:33 22 A. Oh, I'm sorry. I misunderstood that.  
10:33 23 That, I don't know of.

10:33 24 Q. Okay. So I'm just going to put up what is  
10:33 25 marked as -- we'll mark as Exhibit 1. You got a big



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10:33 2 television screen in the room with you that you can  
10:33 3 observe documents on?

10:33 4 A. Yes, sir.

10:33 5 (The following exhibit was identified for the  
10:33 6 record: Number EXH 1.)

10:33 7 Q. Okay. So I'm going to put up this  
10:33 8 document, which is a CAD report. And let's see.

10:33 9 Do you see that on your screen, Officer  
10:34 10 Hogg?

10:34 11 A. Yes, sir.

10:34 12 Q. And am I saying your name right?

10:34 13 A. Hogg, yes.

10:34 14 Q. And, Officer, do you see on this document  
10:34 15 the date here 9/25/2013?

10:34 16 A. I do.

10:34 17 Q. And I've highlighted some of these  
10:34 18 portions down here. So this highlighted portion says  
10:34 19 "Bradburn Street/Millbank Street"; correct?

10:34 20 A. Yes, sir.

10:34 21 Q. And the beat was RP53; is that right?

10:34 22 A. Yes, sir.

10:34 23 Q. Was that the beat that you were working at  
10:34 24 the time?

10:34 25 A. Yes, that's the assigned beat I had.



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1 OFFICER DARYL HOGG - BY MR. SHIELDS

10:34 2 Q. And down here at 1505 on the first page --  
10:34 3 and for the record, the first page of this document is  
10:34 4 Bates numbered MILLER 000974.

10:34 5 On the first page at 1505, so that would  
10:35 6 be 3:05 p.m.; correct?

10:35 7 A. Correct.

10:35 8 Q. And it says dispatch and then 5313 and  
10:35 9 Jason Prinzi, Officer Prinzi; is that correct?

10:35 10 A. Yes, sir.

10:35 11 MS. CHRISTIE: Excuse me, Mr. Shields.  
10:35 12 I'm sorry to interrupt. Is this the same Exhibit 1  
10:35 13 from Officer Watson's deposition yesterday or a  
10:35 14 different Exhibit 1?

10:35 15 MR. SHIELDS: Correct. It's the same  
10:35 16 Exhibit 1, but I'm just going to renumber them today.

10:35 17 MS. CHRISTIE: Understood. I just want to  
10:35 18 make sure it's the same one for when I start gathering  
10:35 19 everything. Thank you.

10:35 20 MR. SHIELDS: You're welcome.

10:35 21 Q. So if we go to page 2, Officer Hogg, it  
10:35 22 also says at 1505 assist, 5323 Hogg, Daryl.

10:35 23 So that would have been you; is that  
10:35 24 right?

10:35 25 A. Yes, sir.





1 OFFICER DARYL HOGG - BY MR. SHIELDS

10:35 2 Q. So can you just review this page and then  
10:35 3 tell me when you're done reading it over?

10:35 4 A. I will.

10:36 5 Okay. I believe I've read through it.

10:36 6 Q. And let's see. I'm just going to go to  
10:36 7 the third page. Can you just review that and tell me  
10:36 8 when you're done reviewing it?

10:37 9 A. Is this the same job card?

10:37 10 Q. Yes. This all came together. But let me  
10:37 11 ask you. That would be indicated by the incident  
10:37 12 number; correct?

10:37 13 A. Yes, sir.

10:37 14 Q. So this one the last three numbers are  
10:37 15 305. So if we go up here, incident number -- okay.  
10:37 16 So it's a different incident number. But if we look  
10:37 17 at it, does this just list a different 911 caller?

10:37 18 MR. NAYLON: Object to the form.

10:37 19 A. It lists another name, but I don't know  
10:37 20 that that's another 911 caller because it doesn't give  
10:37 21 me any information, and it has a different location.  
10:37 22 That's why I asked if it was a different job card.

10:37 23 Q. It was produced by -- well, I guess me  
10:37 24 from the -- it was obtained from the District  
10:38 25 Attorney's Office together, so it came as one



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1 OFFICER DARYL HOGG - BY MR. SHIELDS

10:38 2 document. So that's why I wanted to ask you questions  
10:38 3 about it.

10:38 4 So is there a place where it might list if  
10:38 5 two job cards were related to the same job if two  
10:38 6 different 911 callers called about an incident?

10:38 7 A. It should have the same incident number or  
10:38 8 what we call the CR number.

10:38 9 Q. Okay. Here's the incident number; right?  
10:38 10 There's that one on this one. Case number.  
10:38 11 Cross-references? Would that indicate -- so we've got  
10:38 12 595 as the last three numbers in the cross-reference.  
10:38 13 If we go up here, 959. Did I read that other one  
10:38 14 wrong? Let's see. 959.

10:38 15 Do those look like the same two numbers to  
10:38 16 you on page 3 under cross-reference and then page 1 as  
10:39 17 incident number?

10:39 18 A. They're the same numbers, yes.

10:39 19 Q. So would that indicate to you that they're  
10:39 20 related to the same incident?

10:39 21 MR. NAYLON: Form.

10:39 22 A. I don't know that they're related, but it  
10:39 23 says that they're the same numbers.

10:39 24 Q. On page 2 here at 1641 it says "Strong,"  
10:39 25 and then it lists your name; correct?



1 OFFICER DARYL HOGG - BY MR. SHIELDS

10:39 2 A. It does.

10:39 3 Q. So that's the second page of the four-page  
10:39 4 document. And then if we fast forward to page 3, it  
10:39 5 says 1640, and it lists you again; is that right?

10:39 6 A. It does.

10:39 7 Q. So let's go back to page 2. I'm just  
10:39 8 going to ask you some questions about it.

10:40 9 Now, can you tell me generally from  
10:40 10 looking at this document what it looks like this  
10:40 11 indicates happened?

10:40 12 MR. NAYLON: Form.

10:40 13 A. I can read it to you. It says (as read):  
10:40 14 One MB -- which stands for male black -- left in a  
10:40 15 gray four -- or vehicle four-door. Last seen towards  
10:40 16 Brooks. And the others have -- I think that says  
10:40 17 disappeared, but I don't know. It's kind of -- I  
10:40 18 don't know. It says D-I-S-P-E and then -- yeah, I  
10:40 19 don't know what that word is, to tell you the truth.

10:40 20 Q. Maybe disappeared or dispersed?

10:40 21 A. It might have been dispersed, yes.

10:40 22 Q. And then down below that it says (as  
10:40 23 read): Another call said males had guns in the car.  
10:40 24 Last seen at 38 Bradburn towards Maxwell. They had  
10:40 25 two handguns.



1 OFFICER DARYL HOGG - BY MR. SHIELDS

10:40 2 A. Okay.

10:41 3 Q. Right? And then it says one was wearing  
10:41 4 camo and another had a black hoodie?

10:41 5 A. Yes, sir.

10:41 6 Q. It says (as read): One has the name of  
10:41 7 Sheldon.

10:41 8 Right?

10:41 9 A. Correct.

10:41 10 Q. And then it says (as read): See complaint  
10:41 11 at 38 Bradburn. It was her son they were fighting.

10:41 12 Right?

10:41 13 A. Okay.

10:41 14 Q. All right. So then it says that you were  
10:41 15 onscene at 1546; right?

10:41 16 A. Yes.

10:41 17 Q. And up here it says -- at 1505 it lists  
10:41 18 A-S-S-T. Is that assist? Assisting officer?

10:41 19 A. Yes. So I would have been the backup  
10:41 20 officer on that call.

10:41 21 Q. Do you have any idea what you did between  
10:41 22 1505 and 1546?

10:41 23 A. No, sir.

10:41 24 Q. And then if you fast forward to 1641, it  
10:42 25 says D-I-S-P-E-R.



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1 OFFICER DARYL HOGG - BY MR. SHIELDS

10:42 2 Do you know what that means?

10:42 3 A. Dispatched.

10:42 4 Q. So you were dispatched to Strong Hospital;  
10:42 5 is that right?

10:42 6 A. I would assume that's what that means,  
10:42 7 yes.

10:42 8 Q. And right here it says "Loretta Cromes,"  
10:42 9 and it says "DUP." Does that mean duplicate?

10:42 10 A. Honestly, I don't know what that stands  
10:42 11 for.

10:42 12 Q. Do you know what 400 Elmwood Ave. is?

10:42 13 A. 400 Elmwood Ave.? No. That's really -- I  
10:42 14 don't even know if there is a 400 Elmwood Ave.

10:42 15 Q. Is that Strong Hospital?

10:42 16 A. No.

10:42 17 Q. Now, this says down here at 1709. So you  
10:42 18 would have been at Strong Hospital at that time;  
10:43 19 right? It says (as read): Complainant stated he  
10:43 20 engaged in a fight. And when RO asked questions about  
10:43 21 the incident, complainant refused to provide any info  
10:43 22 and became uncooperative.

10:43 23 Is that what that says?

10:43 24 A. Yes, sir.

10:43 25 Q. Does it say who the complainant was?



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10:43 2 A. I don't see that anywhere, no.

10:43 3 Q. But this says that Loretta Cromes was the  
10:43 4 mother; right? Is that what this says here? Or is  
10:43 5 that down here? Complainant Loretta Cromes. She says  
10:43 6 her son was assaulted and hit in the head with a gun.

10:43 7 A. If that's what she told 911, but it  
10:43 8 doesn't say that that's who was saying it. It just  
10:43 9 says "Entry."

10:43 10 Q. Okay. But that's what that says Loretta  
10:44 11 says; right? It says "Entry"?

10:44 12 A. No. It gives the name of what appears to  
10:44 13 be a caller, and then it says someone stated that the  
10:44 14 complainant was assaulted and it was her son. But...

10:44 15 Q. All right. Do you remember that incident?

10:44 16 A. Absolutely not.

10:44 17 Q. So that was the same day as the incident  
10:44 18 involving Anthony Miller; correct?

10:44 19 A. Can you go back up to the top? It says  
10:44 20 the 25th. Correct.

10:44 21 Q. So it was the 25th, and it says at  
10:44 22 1505 p.m. So that's 3:05 p.m.; right?

10:44 23 A. Correct.

10:44 24 Q. It says that Prinzi was dispatched; right?

10:44 25 A. It does.



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10:44 2 Q. And then it says at 3:05 p.m. that you  
10:45 3 were dispatched as the number two officer, the  
10:45 4 assisting officer; correct?

10:45 5 A. Yes, sir.

10:45 6 Q. And then it says that you arrived onscene  
10:45 7 at 1546?

10:45 8 A. That's what the job card says, yes.

10:45 9 Q. And then it says that you went to Strong  
10:45 10 Hospital at 1641; correct?

10:45 11 A. Correct.

10:45 12 Q. And then it says that you went and you  
10:45 13 spoke with the complainant at the hospital, and  
10:45 14 basically he answered a few questions but then became  
10:45 15 uncooperative; is that right?

10:45 16 A. It says he refused to provide any  
10:45 17 information and then became uncooperative.

10:45 18 Q. And that entry is made at 1709, or  
10:45 19 5:09 p.m.; is that right?

10:45 20 A. Yep. Yes. I'm sorry.

10:45 21 Q. So it looks like you were at the hospital  
10:45 22 until about 5:09 p.m.?

10:45 23 A. By the job card, yes.

10:46 24 Q. And so for the first few hours of your  
10:46 25 shift that day you were investigating an assault that



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10:46 2 happened at 38 Bradburn Street; is that right?

10:46 3 A. By the looks of the job card, yes.

10:46 4 Q. And if I told you that the victim, his  
10:46 5 name was Brooklyn Cromes, does that refresh your  
10:46 6 recollection at all?

10:46 7 A. No.

10:46 8 Q. Does the name Brooklyn Cromes -- is that  
10:46 9 familiar to you at all?

10:46 10 A. No.

10:46 11 Q. So prior to this incident, you don't know  
10:46 12 if you'd ever had any interactions with Brooklyn  
10:46 13 Cromes?

10:46 14 A. I do not know.

10:46 15 Q. And just going back to the job card, these  
10:46 16 numbers here, those are for your car numbers; is that  
10:46 17 right?

10:46 18 A. Yeah. 5323 is my call sign or my call  
10:46 19 number.

10:47 20 Q. And Prinzi's would have been 5313?

10:47 21 A. Correct.

10:47 22 Q. So as we sit here today, you don't  
10:47 23 remember anything about that incident other than  
10:47 24 what's on this job card?

10:47 25 A. Correct. It was ten years ago.



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10:54 2 aware of that would list all of your activities  
10:54 3 throughout the day?

10:54 4 A. No.

10:54 5 Q. Do you know if you could -- and I ask  
10:54 6 because Officer Watson testified to this yesterday --  
10:55 7 that you could go into the 911 call screen and get a  
10:55 8 list of all of the calls that you responded to  
10:55 9 throughout the day? Are you aware if you can do that  
10:55 10 or not?

10:55 11 A. I'm aware that you can look at your job  
10:55 12 cards. I don't know how to do that, to be honest.

10:55 13 Q. Are you aware if -- my understanding of  
10:55 14 Officer Watson's testimony is that you could go into  
10:55 15 the system that prints out a job card and do a search  
10:55 16 by day and name. So it would give all of the calls  
10:55 17 that you made back and forth to the system on that one  
10:55 18 day, and it wouldn't list anything else.

10:55 19 Have you ever heard of whether or not  
10:55 20 that's possible?

10:55 21 MR. NAYLON: Form.

10:55 22 You can answer.

10:55 23 A. I've never heard of an officer being able  
10:55 24 to do that, no.

10:55 25 Q. Are you aware of whether or not that could



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10:55 2 be done by anyone?

10:55 3 A. I'm not positive on who can and can't do  
10:56 4 that.

10:56 5 MR. SHIELDS: Well, to the extent that  
10:56 6 that's possible, Pat, we're going to call for  
10:56 7 production of the activities throughout the day from  
10:56 8 the 911 system, just like we did for Officer Watson  
10:56 9 yesterday. And we'll follow up in writing on that.

10:56 10 MR. NAYLON: Thank you.

10:56 11 (Document request -- Officer Hogg's daily  
10:56 12 history for September 25, 2013)

10:56 13 Q. And, Officer Hogg, about three hours after  
10:56 14 you left Strong Hospital on September 25, 2013, you  
10:56 15 got a call a little after 8 p.m. about a robbery at 19  
10:57 16 Roslyn Street; is that right?

10:57 17 A. Yes, there was a call for a robbery there.

10:57 18 Q. And where were you directed to go?

10:57 19 A. The call came in for 19 Roslyn.

10:57 20 Q. And where did you go?

10:57 21 A. I was making my way towards 19 Roslyn, and  
10:57 22 I ended up looking around the area of Bradburn and  
10:57 23 Millbank.

10:57 24 Q. How did you end up in the area of Bradburn  
10:57 25 and Millbank?



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1 OFFICER DARYL HOGG - BY MR. SHIELDS

10:57 2 A. I drove there.

10:57 3 Q. And who told you to go there?

10:57 4 A. Honestly, I don't know.

10:57 5 Q. Did Prinzi tell you to go there?

10:57 6 A. I don't know.

10:57 7 Q. If I told you that Prinzi told you to go  
10:57 8 there, would that sound wrong to you?

10:57 9 MR. NAYLON: Form.

10:58 10 You can answer.

10:58 11 A. There's a possibility. But without  
10:58 12 looking at any type of notation, I wouldn't -- I  
10:58 13 couldn't tell you for sure.

10:58 14 Q. So let's do this. First I want to put  
10:58 15 up -- I guess it will be Exhibit 2 for this  
10:58 16 deposition, which is the job card for this incident.  
10:58 17 And we'll look at that first. Okay? So let me put  
10:58 18 that on the screen.

10:58 19 MR. SHIELDS: And for the record, this is  
10:58 20 the same document that was marked as -- you know what,  
10:58 21 Tamara? I think that I was mistaken earlier. The  
10:58 22 Exhibit 1 for this deposition was not put up  
10:58 23 yesterday. So what's going to be marked as Exhibit 2  
10:58 24 today is actually what was marked as Exhibit 1  
10:59 25 yesterday.



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1 OFFICER DARYL HOGG - BY MR. SHIELDS

10:59 2 MS. CHRISTIE: All right. So when you  
10:59 3 send -- so you had indicated that you would send me a  
10:59 4 complete packet of marked depositions from Officer  
10:59 5 Watson's deposition. So I'll get a complete set for  
10:59 6 Officer Watson and a complete set for Officer Hogg's;  
10:59 7 correct?

10:59 8 MR. SHIELDS: Correct.

10:59 9 (The following exhibit was identified for the  
10:59 10 record: Number EXH 2.)

10:59 11 Q. So, Officer Hogg, on the screen right now  
10:59 12 do you see a job card?

10:59 13 A. I do.

10:59 14 Q. And it says up here at the top "Received  
10:59 15 9/25/13 20:01:13"; is that right?

10:59 16 A. Correct.

10:59 17 Q. So in non-military time that's 8:01:13; is  
10:59 18 that right?

10:59 19 A. Yes, sir.

10:59 20 Q. So do you recognize this document?

10:59 21 A. I've not seen that document probably since  
11:00 22 that day. But it is a job card.

11:00 23 Q. So you did not review this document to  
11:00 24 prepare for your deposition today?

11:00 25 A. I did not.



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11:18 2 for a few seconds and then hit Play on the audio.

11:19 3 Okay?

10:47 4 (Audio recording played)

11:19 5 Q. Okay. So I just -- I'm going to pause  
11:19 6 there.

11:19 7 So did you hear Officer Prinzi just  
11:19 8 respond?

11:19 9 A. Yes.

11:19 10 Q. And he said, "5313 primary"; is that what  
11:19 11 he said?

11:19 12 A. I believe that's what he said, yes.

11:19 13 Q. And he said, "I've got 2-3 with me also";  
11:19 14 is that what he said?

11:19 15 A. Correct.

11:19 16 Q. And that would be you?

11:20 17 A. Correct.

11:20 18 Q. Would that mean that the two of you were  
11:20 19 together before you responded?

11:20 20 A. No.

11:20 21 Q. What would that mean to you?

11:20 22 A. That meant that originally that call was  
11:20 23 some form or another given to Officer Klein, which is  
11:20 24 in a different -- we'll call it a beat at the time.

11:20 25 So we had high beat integrity. So the 53



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11:20 2 cars were going to take care of that call as the  
11:20 3 primary cars. So he assigned me to the job with him.

11:20 4 Q. So that does not necessarily mean that you  
11:20 5 were physically together when he made that call over  
11:20 6 the radio?

11:20 7 A. Correct.

11:20 8 Q. As we sit here today, do you remember  
11:20 9 whether or not you were, in fact, physically together  
11:20 10 when he responded over the radio?

11:20 11 A. I don't recall, no.

11:20 12 Q. All right. So I had paused that at 24  
11:21 13 seconds into the audio recording, and I'm going to hit  
11:21 14 Play again. Okay?

11:21 15 (Audio recording played)

11:22 16 Q. All right. So I'm just pausing there,  
11:22 17 which is 1 minute and 21 seconds into the radio call.

11:22 18 And did you hear him just say, "There was  
11:22 19 no mention of a bicycle"; is that what he said?

11:22 20 A. I believe. It was kind of garbled, but I  
11:22 21 believe that's what he said.

11:22 22 Q. Okay. Let's just rewind that. I'll  
11:22 23 rewind it to 1 minute and 10 seconds. I'm going to  
11:22 24 hit Play again.

11:22 25 (Audio recording played)



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11:22 2 Q. "No mention of a bike, looks like foot at  
11:22 3 this time"; is that what he said?

11:22 4 A. I believe that's what I heard, yes, sir.

11:23 5 Q. All right. So I paused again at 1 minute  
11:23 6 and 21 seconds into the audio recording. I'm going to  
11:23 7 go ahead and hit Play.

11:23 8 (Audio recording played)

11:24 9 Q. And, Officer Hogg, I just paused it at 2  
11:24 10 minutes and 7 seconds into the audio. And my question  
11:24 11 is in trying to match that up with this CAD report or  
11:24 12 the job card, did you just hear the dispatcher say,  
11:24 13 "Gray hoodie, jeans, southbound towards Sawyer"?

11:24 14 A. No, that wasn't the dispatcher that said  
11:24 15 that.

11:24 16 Q. Oh, okay. Who said that?

11:24 17 A. The job card says it was 4933.

11:24 18 Q. So that would have been Klein?

11:24 19 A. Yes.

11:24 20 Q. So it indicates that at 2006 Officer Klein  
11:24 21 arrived onscene; is that what that says?

11:24 22 A. Yes, sir.

11:24 23 Q. So he was onscene, and he would have  
11:24 24 apparently spoken with the victim, and that was what  
11:24 25 he reported the victim would have said? Is that how



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11:25 2 you read that and listen to the audio?

11:25 3 MR. NAYLON: Object to the form.

11:25 4 You can answer.

11:25 5 A. I don't know who he spoke to to get that  
11:25 6 information. It doesn't say there. It just says that  
11:25 7 4933 said that information.

11:25 8 Q. So he arrived onscene, and then he  
11:25 9 reported that information over the radio; is that  
11:25 10 right?

11:25 11 A. From what I'm seeing on the job card, yes.

11:25 12 Q. And from what we heard on the audio?

11:25 13 A. Correct.

11:25 14 Q. And so at this point on the job card and  
11:25 15 in the audio that we're listening to, that's the only  
11:25 16 information that you had; correct?

11:25 17 A. Correct.

11:25 18 Q. All right. So we're paused at 2 minutes  
11:25 19 and 7 seconds into the audio. I'm going to go ahead  
11:25 20 and hit Play again.

11:25 21 (Audio recording played)

11:26 22 Q. So I paused at 2 minutes and 22 seconds  
11:26 23 into the audio.

11:26 24 Officer Hogg, do you know who the last  
11:26 25 voice was that we just heard speaking on the audio?



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11:26 2 A. I couldn't hear the car number, no.

11:26 3 Q. Do you recognize the voice at all?

11:26 4 A. No.

11:26 5 Q. So I'm going to rewind it and just ask if  
11:26 6 you can listen to that again. So I'm rewinding to 2  
11:26 7 minutes and 10 seconds into the audio, and I'm going  
11:26 8 to play that again. See if you can listen to what  
11:26 9 that person was saying, and see if you recognize that  
11:26 10 person's voice.

11:27 11 (Audio recording played)

11:27 12 Q. So I just paused again at 2 minutes and 23  
11:27 13 seconds. So my first question is going to be after  
11:27 14 listening to that portion again, Officer Hogg, if you  
11:27 15 recognize that person's voice.

11:27 16 A. He announced 5313 is Officer Prinzi.

11:27 17 Q. Okay. So you heard Officer Prinzi  
11:27 18 announce his car number?

11:27 19 A. Yes.

11:27 20 Q. And were you able to make out what he  
11:27 21 said?

11:27 22 A. From what I understood he said was have  
11:27 23 some cars go near Bradburn and Millbank due to a fight  
11:27 24 from earlier, a call that he was on.

11:27 25 Q. And did you hear him say anything else?



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11:27 2 A. Yes. He said I -- something with about  
11:27 3 See Set from earlier.

11:27 4 Q. So basically he -- does that match up --  
11:27 5 does that make sense if we think back to the first  
11:28 6 exhibit that we looked at -- and I can put it up real  
11:28 7 quick for us, Exhibit 1 for this deposition -- where  
11:28 8 you and Officer Prinzi had apparently responded to the  
11:28 9 area of Millbank and Bradburn?

11:28 10 MR. NAYLON: Object to the form.

11:28 11 You can answer.

11:28 12 A. I don't understand what your question is  
11:28 13 asking.

11:28 14 Q. Okay. So my question is he said can we  
11:28 15 get some cars to go to the area of Millbank and  
11:28 16 Bradburn; correct? That's what we just heard in the  
11:28 17 audio?

11:28 18 A. Correct.

11:28 19 Q. And he said, you know, the description  
11:28 20 matches someone from my call from earlier; it could  
11:28 21 have been one of those See Set kids. Is that what he  
11:28 22 said?

11:28 23 MR. NAYLON: Form.

11:28 24 You can answer.

11:28 25 A. No. What he said was to go to that area



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11:28 2 because we had a call there earlier.

11:28 3 Q. And then did you catch what he said about  
11:28 4 the See Set kids?

11:28 5 A. He said we had a call with some See Set  
11:29 6 kids there earlier.

11:29 7 Q. All right. So does that refresh your  
11:29 8 recollection as to whether the individual named  
11:29 9 Sheldon was Sheldon Lipford, who was a member of See  
11:29 10 Set?

11:29 11 MR. NAYLON: Form.

11:29 12 You can answer.

11:29 13 A. No, it does not.

11:29 14 Q. Does that refresh your recollection at all  
11:29 15 about your earlier response in that day as reflected  
11:29 16 in the job card that we marked as Exhibit 1?

11:29 17 A. It doesn't refresh my memory at all  
11:29 18 because it was so long ago I don't remember  
11:29 19 responding. From what you're showing me on the job  
11:29 20 cards, it says that I went there.

11:29 21 Q. And then from listening to Officer Prinzi,  
11:29 22 apparently something to do with that earlier call also  
11:29 23 involved the See Set gang?

11:29 24 MR. NAYLON: Form.

11:29 25 You can answer.



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11:29 2 A. From what he said, it was go to that area.  
11:29 3 We had a call there earlier involving that gang.

11:29 4 Q. So basically he was saying, hey, you know,  
11:30 5 go over there because we had this call earlier because  
11:30 6 of a call related to this gang?

11:30 7 MR. NAYLON: Form.

11:30 8 You can answer.

11:30 9 A. That's what I would assume he would say.

11:30 10 Q. So I'm just going to play that part again.  
11:30 11 I'm going to play it a little further, and then I'll  
11:30 12 hit pause, and then we can take a break in a few  
11:30 13 minutes. Okay?

11:30 14 A. Okay.

11:30 15 Q. So I'm going to rewind again to the same  
11:30 16 spot that I started before right at 2 minutes and 10  
11:30 17 seconds into the audio. And then I'm just going to  
11:30 18 ask you to listen again to what Officer Prinzi said,  
11:30 19 and then I'll pause it and ask you a couple more  
11:30 20 questions. Okay?

11:30 21 A. Okay.

11:30 22 (Audio recording played)

11:31 23 Q. So I paused right at 2 minutes and 30  
11:31 24 seconds into the audio.

11:31 25 Now, my first question is -- I'm going to



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11:31 2 go backwards chronologically -- did you hear yourself  
11:31 3 say 5323 and then that you were in the area and you  
11:31 4 were going to respond over there?

11:31 5 A. I did hear that, yes.

11:31 6 Q. And then if we go back and back to what  
11:31 7 Prinzi said, did he say anything about a description?  
11:31 8 Did you hear any -- did you hear anything from him  
11:31 9 about a match of a description?

11:31 10 MR. NAYLON: Form.

11:31 11 A. To what I understood that I heard --  
11:31 12 again, it was kind of garbled -- but it sounded like  
11:31 13 he might have said "description of a call from  
11:31 14 earlier."

11:31 15 Q. Description of a call and not a  
11:32 16 description of a person?

11:32 17 A. I don't think he specifically said a  
11:32 18 person, no.

11:32 19 Q. Okay. I'm just trying to see what your  
11:32 20 understanding of what he said there was based on, you  
11:32 21 know, working with Officer Prinzi and the way that he  
11:32 22 would call out a call like this over the radio.

11:32 23 So you know what I want to do? I want to  
11:32 24 play it one more time, and then just see if that's  
11:32 25 still your understanding, and then maybe we can take a



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12:10 2 the street?

12:10 3 A. I did not.

12:10 4 Q. As we sit here today, do you know who  
12:10 5 those two individuals were who you saw at the area of  
12:10 6 Millbank and Bradburn when you arrived on September  
12:10 7 25, 2013?

12:10 8 A. I know one.

12:10 9 Q. And is that the Plaintiff in this case,  
12:10 10 Anthony Miller?

12:10 11 A. Yes.

12:10 12 Q. And so you're not aware of who the other  
12:10 13 individual was?

12:10 14 A. I don't recall his name.

12:11 15 Q. What do you recall about the other  
12:11 16 individual?

12:11 17 A. Male black.

12:11 18 Q. Anything else?

12:11 19 A. Not without looking at my report again,  
12:11 20 no.

12:11 21 Q. So at the time of the incident, did you  
12:11 22 recognize either Mr. Miller or the other individual  
12:11 23 that he was with?

12:11 24 A. No.

12:11 25 Q. So you're not sure of whether you had ever



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12:11 2 had any prior police contact with them?

12:11 3 A. As I sit here today, I can't tell you  
12:11 4 whether I have had that or not.

12:11 5 Q. Do you remember where they were standing  
12:11 6 or where they were located when you arrived in the  
12:11 7 area of 22 -- I'm sorry -- when you arrived at the  
12:12 8 area of Millbank and Bradburn Street?

12:12 9 A. From the testimony you just showed me,  
12:12 10 they were standing near the street.

12:12 11 Q. Do you have an independent recollection of  
12:12 12 where they were standing when you stopped them?

12:12 13 A. No.

12:12 14 Q. When you arrived, were there any other  
12:12 15 police personnel present?

12:12 16 A. Not when I arrived.

12:12 17 Q. Do you remember if it was dark outside?

12:12 18 A. Don't remember, to be honest.

12:12 19 Q. Do you remember what the weather was like?

12:12 20 A. I remember it being cold, but I can't tell  
12:12 21 you how cold.

12:12 22 Q. Do you remember anything else about the  
12:12 23 weather?

12:12 24 A. Not today I can't.

12:12 25 Q. And what communications did you have with



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12:12 2 anyone on the scene after you got out of your car?

12:13 3 A. Does that encapsulate anyone in general;  
12:13 4 is that what you're asking? Or are we asking  
12:13 5 police -- I'm not sure really who you're asking about.

12:13 6 Q. Did you speak with either Anthony or his  
12:13 7 companion after you got out of the car?

12:13 8 A. I would imagine I did, yes.

12:13 9 Q. Do you remember what you said to them?

12:13 10 A. I do not.

12:13 11 Q. As you approached them, do you remember if  
12:13 12 you said anything about the incident that happened on  
12:13 13 Bradburn Street earlier in the day that you had  
12:13 14 responded to?

12:13 15 A. I don't.

12:13 16 Q. You -- I'm sorry. I missed your answer.

12:13 17 A. I do not.

12:13 18 Q. Would it make sense that you would have  
12:13 19 mentioned the incident that had happened earlier on  
12:14 20 Bradburn Street to them when you stopped them?

12:14 21 MR. NAYLON: Object to the form.

12:14 22 You can answer.

12:14 23 A. No.

12:14 24 Q. Even though you responded to the scene  
12:14 25 because Officer Prinzi said that the description of



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